

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Ernest Hodges

Docket No. 5:99-CR-58-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Ernest Hodges, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute and Distribute Cocaine and Cocaine Base (Crack), 21 U.S.C. §§ 846 and 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge on January 19, 2000, to the custody of the Bureau of Prisons for a term of 292 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Ernest Hodges was released from custody on May 26, 2015, at which time the term of supervised release commenced.

On July 21, 2015, the court was notified that the defendant tested positive for cocaine on June 29, 2015. The defendant was verbally reprimanded, continued in the Surprise Urinalysis Program (SUP), and afforded the opportunity to participate in substance abuse treatment. No additional action by the court was recommended. The court concurred.

On August 27, 2015, the court was notified that the defendant tested positive for oxymorphone on August 11, 2015. The probation office recommended that he be continued in SUP, substance abuse treatment, and no further action taken by the court. The court concurred.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant provided a urine sample on January 14, 2016, that returned positive for cocaine. The defendant denies using cocaine and believes that his hands came in contact with the substance while visiting a family member and sitting at their kitchen table. The probation office believes that the defendant is either using cocaine or may be engaged in old criminal activity, similar to his instant offense. As a result, the probation office is recommending that he be continued in SUP, substance abuse treatment, and placed on home detention for a period up to 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Ernest Hodges
Docket No. 5:99-CR-58-1BO
Petition For Action
Page 2

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8678
Executed On: February 11, 2016

ORDER OF THE COURT

Considered and ordered this 11 day of February, 2016 and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge